

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**JOSE E. RODRIGUEZ,**

**Plaintiff,**

**v.**

**11-CV-274**

**AGENT ANDREN, Immigration Agent,**

**Defendant,<sup>1</sup>**

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**APPEARANCES:**

**OF COUNSEL:**

JOSE E. RODRIGUEZ

Plaintiff Pro Se

Last Known Address

10-A-3093

Mid-State Correctional Facility

Post Office Box 2500

Marcy, New York 13403

HON. ERIC H. HOLDER, JR.

United States Attorney General

Attorney for Defendant

United States Department of Justice

Civil Division

Office of Immigration Litigation

Post Office Box 868

Ben Franklin Station

450 Fifth Street, N.W.

Washington, D.C. 20044

TROY D. LIGGETT, ESQ.

Trial Attorney

**NORMAN A. MORDUE, U. S. DISTRICT JUDGE**

**ORDER**

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<sup>1</sup>In a letter to the Clerk of the Court and in the amended complaint, Rodriguez asserts that he intended to sue both the Department of Immigration and defendant Andren. Dkt. No. 10; Am. Compl. (Dkt. No. 11) ¶ 3. Therefore, given the special solicitude to which Rodriguez is entitled as a pro se litigant, it will be deemed that he has sued defendant Andren in both his individual and representative capacities.

The above matter comes to me following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed on the 29<sup>th</sup> day of November 2011. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

Such Report-Recommendation, which was mailed to plaintiff's last known residence, was returned to the Court as undeliverable to plaintiff at such address. *See* docket no. 24.

Additionally, plaintiff was previously advised by the Court that plaintiff was required to promptly notify the Clerk's Office of any change in his address, and that failure to keep such office apprised of his current address would result in the dismissal of the instant action. *See* docket no. 6.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

**ORDERED** that:

1. The Report-Recommendation is hereby adopted in its entirety. The defendant's motion to dismiss (docket no. 16) is granted as to all claims.
2. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Dated: December 28, 2011  
Syracuse, New York

  
Honorable Norman A. Mordue  
U.S. District Judge